

IN RE: PETITION FOR SPECIAL HEARING  
W/S York Road, 770' S of the c/l  
Old York Road  
(21024 York Road)  
7<sup>th</sup> Election District  
3<sup>rd</sup> Council District

John Matra  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 02-261-SPH  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, John Matra, through his attorney, J. Neil Lanzi, Esquire. The Petitioner requests a special hearing to approve two proposed lots with access to a local street through an existing right-of-way in lieu of the access required by the Office of Planning, specifically, compliance with the panhandle regulations set out in Section 26-266(2) of the Baltimore County Code. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 4.

Appearing at the requisite public hearing in support of the request were John P. Matra, Jr., and his wife, Mary M. Matra; Alexander P. Ratych, the Registered Land Surveyor who prepared the site plan for this property; and, J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as interested citizens/Protestants were Leonard and Beverley Marchineck, Estelle Wright-Yingling, Steve Nawrocki, and Nancy Schiano-Quaster.

The subject property is an irregular shaped parcel located on the west side of York Road, just south of Old York Road, in the Phoenix area of northern Baltimore County. The property is also known as Lot 8 of the Plat of County North, a subdivision created in 1971 and recorded among the Land Records of Baltimore County in Liber OTG 35, Folio 17. Access to the property is by way of a private right-of-way located in the bed of an existing gravel driveway off

ORDER RECEIVED FOR FILING

Date 3/26/12

By [Signature]

of York Road. The property contains a gross area of 12.54 acres, more or less, zoned R.C.5 and is presently unimproved; however, the Petitioner is desirous of subdividing the property to create two single family dwelling lots.

Mr. Matra acquired the subject property in 1973 and has held it in its unimproved state since that time. A copy of his deed of acquisition was submitted into evidence as Petitioner's Exhibit 1, and a series of declarations binding on the property, which were contained within a document recorded in the Land Records, was submitted at the hearing as Petitioner's Exhibit 2. Essentially, those declarations limit the development potential of the 8 lots that were created by the Plat of County North. Specifically, the declaration provides that Lot 8 can be subdivided into a maximum of two lots. This limitation is significant in that the acreage and zoning of the property (R.C.5) would permit eight lots under County regulations. Nonetheless, Mr. Matra is limited by the more restrictive language within the deed and declarations and can only subdivide the property into two lots.

The site plan submitted shows his development proposal. Lot 1 will be located towards the "front" portion of the site, closer to York Road. Lot 1 will contain 3.5 acres and will be improved with a single family dwelling. Proposed Lot 2 will occupy the rear portion of the site and is larger (9.3544 acres). Lot 2 is also proposed for development with a single family dwelling; however, it was indicated at the hearing that Lot 2 features environmental constraints including a wooded area and stream. Due to the County's stringent environmental protection regulations, the dwelling on Lot 2 has been located towards the front of that lot, so as to preserve and provide an appropriate setback from the environmental constraints.

The issue in this case relates to the proposed means of access to the property. As more particularly shown on the site plan, the property can be described as roughly rectangular in shape, with a stem or tail, approximately 350 feet in length, which leads from the main portion of the parcel to York Road. Apparently, the Petitioner owns a 15-foot wide fee-simple strip within this tail. An adjacent lot owner (Lot 7) also owns a 15-foot wide fee-simple strip. Collectively, this strip is 30 feet wide and it was intended for use as access to Lots 7 and 8 of the Plat of County

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DATE 3/29/12  
BY [Signature]

North, which do not have frontage directly on York Road. Photographs of the site show that this strip is primarily improved with a crusher run surface; however, there are areas of macadam, particularly immediately adjacent to York Road. Relief is requested from strict compliance with the panhandle regulations set out in Section 26-266 of the Code. Under Section 26-168 of the Baltimore County Zoning Regulations (B.C.Z.R.), a panhandle driveway is defined as "the paved roadway which serves one or more abutting panhandle lots and provides vehicular access to a local street or to a collector street." A panhandle lot is defined as "A lot so shaped and situated that its only frontage or access to a local or collector street is a narrow strip of land which is held in fee..." Panhandle driveways are regulated in Section 26-266(a) of the Code. Those regulations generally impose requirements as to the width of the panhandle strip, its length, etc. It is to be noted that Baltimore County enacted the panhandle regulations after this subdivision was created in 1971.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing so as to permit vehicular access to the two proposed lots through the existing right-of-way. Obviously, an appropriate resolution of this case would be for there to be constructed a single driveway through the 30-foot right-of-way to provide access to the existing and proposed dwellings on both Lots 7 and 8. However, I cannot impose such a requirement on an adjacent property owner. Nonetheless, Mr. Matra should endeavor to reach an agreement with the owners of Lot 7 to satisfy their common needs and purposes. Also, it seems appropriate to limit the width of the driveway to no more than 16 feet. This is consistent with County regulations as to the required width of driveways serving this number of lots. Such a width would insure appropriate access by emergency vehicles and sufficient traffic circulation. Moreover, the entire driveway should be paved with a durable surface. Despite some of the neighbors' comments, a wider paved driveway would be inconsistent with the rural character of the locale and also generate additional storm water runoff. Other restrictions that were requested at the hearing to which Mr. Matra agrees include the requirement that the house on proposed Lot 1 be set back a minimum of 107 feet from its front property line and 117 feet from its side property line. Moreover, the location of the

ORDER RECEIVED FOR FILING

Date

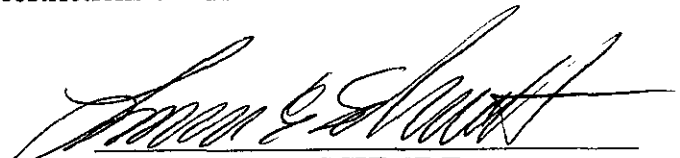
By

well and septic areas will be in accordance with the County's environmental standards so as to protect adjacent properties.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of March, 2002 that the Petition for Special Hearing to approve two proposed lots with access to a local street through an existing right-of-way in lieu of the required access, pursuant to Section 26-266(2) of the Baltimore County Code, and in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The driveway access to proposed Lots 1 and 2 shall not exceed a width of 16 feet. Moreover, the entire driveway shall be paved with a durable and dustless surface.
- 3) The proposed dwelling on Lot 1 will be setback a minimum of 107 feet from the front property line and 117 feet from the side property line, as shown on the site plan.
- 4) The location of the well and septic areas will be subject to the approval of the Ground Water Division of the Department of Environmental Protection and Resource Management (DEPRM).
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 3/29/02  
bjs



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

March 20, 2002

J. Neil Lanzi, Esquire  
409 Washington Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
W/S York Road, 770' S of the c/l Old York Road  
(21024 York Road)  
7<sup>th</sup> Election District – 3<sup>rd</sup> Council District  
John Matra - Petitioner  
Case No. 00-188-SPH

Dear Mr. & Mrs. Allinson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. John P. Matra, Jr.  
14010 Jarrettsville Pike, Phoenix, Md. 21131  
Mr. & Mrs. Leonard Marchineck, 21014 York Road, Parkton, Md. 21120  
Ms. Estelle Wright-Yingling, 21016 York Road, Parkton, Md. 21120  
Mr. Steve Nawrocki, 21100 York Road, Parkton, Md. 21120  
Ms. Nancy Schiano-Quaster, 3220 Woodring Avenue, Baltimore, Md. 21234  
Office of Planning; DEPRM; People's Counsel; Case File





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

21024 York Road

for the property located at Lot 8, County North Subdivision York Rd

which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

two proposed lots with access to local street through existing right of way

\* PURSUANT TO SECTION 26-206(2) OF THE B.C.C.  
IN LIEU OF THE REQUIREMENTS OF THE BALTIMORE  
COUNTY OFFICE OF PLANNING.

\* ADDITIONAL LANGUAGE APPROVED BY ATTY. 1/11/02

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

## Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company  
409 Washington Avenue 410-296-0686

Address Telephone No.

Towson, Maryland 21204  
State Zip Code

## Legal Owner(s):

John Matra

Name - Type or Print

Signature

Name - Type or Print

Signature

14010 Jarrettsville Pike 410-667-1082

Address Telephone No.

Phoenix, Maryland 21131

City State Zip Code

## Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Avenue 410-296-0686

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

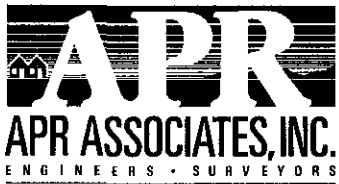
UNAVAILABLE FOR HEARING

Reviewed By LTM Date 12/19/01

Case No. 02-261-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING  
Date 12/20/01  
By [Signature]



ZONING DESCRIPTION FOR ~~21020~~, 21024 YORK ROAD

BEGINNING at a point on the West side of York Road which is 120 feet wide at the distance of 770 feet  $\pm$  South of the centerline of Old York Road which is of undetermined width.

BEING LOT 8 in the Subdivision of County North as recorded in Baltimore County Plat Book No. 25, Folio 17 containing 12.85 acres and located in the Seventh Election District. 3<sup>RD</sup> COUNCILMANIC DISTRICT. JTH



#261

7427 Harford Road  
Baltimore, Maryland 21234-7160  
(410) 444-4312  
Fax: (410) 444-1647

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 08802

02-241

DATE 12/19/01 ACCOUNT R0010066150

AMOUNT \$ 50.00

RECEIVED FROM: J. NEIL LANZI

FOR: SPL

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME  
12/19/2001 12/19/2001 09:50:03

REC US01 CASHIER JRIC JHR DRYMER 1  
>> RECEIPT # 076355 OFLN

Debt 5 528 ZONING VERIFICATION  
CR NO. 008802

Recpt Tot 50.00  
50.00 EX .00 CA  
Baltimore County, Maryland

CASHIER'S VALIDATION



**NOTICE OF AMENDED  
ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-261-A  
840 Lannerton Road  
S/S Lannerton Road, 0' E  
centerline Bird River Road  
15th Election District  
5th Councilmanic District  
Legal Owner(s): Jeffrey L.  
Jenkins

**Variance:** to permit a rear yard setback to the centerline of an alley of 1 foot in lieu of the required 15 feet and to permit a height of 16.8 feet in lieu of the required 15 feet.

**Hearing:** **Wednesday,**  
**March 13, 2002 at 9:00**  
**a.m. in Room 407, County**  
**Courts Building, 401 Bos-**  
**ley Avenue.**

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information con-  
cerning the File and/or  
Hearing, Contact the Zoning  
Review Office at (410) 887-  
3391.

JT/2/775 Feb. 26 C522793

## CERTIFICATE OF PUBLICATION

3/1/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 2/26/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*J. Wilkinson*

LEGAL ADVERTISING

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-261-SPH  
21024 York Road  
W/S York Road, 770' S  
centerline Old York Road  
7th Election District  
3rd Councilmanic District  
Legal Owner(s): Jahn Matra  
**Special Hearing:** for two  
proposed lots with access  
to local street through ex-  
isting right-of-way in lieu of  
the required in fee access  
by Planning Office.  
**Hearing: Monday, March  
4, 2002 at 10:00 a.m. in  
Room 407, County Courts  
Building, 401 Bosley Ave-  
nue.**

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information con-  
cerning the File and/or  
Hearing, Contact the Zoning  
Review Office at (410) 887-  
3391.

2/105 Feb. 14 C520519

## CERTIFICATE OF PUBLICATION

2/15/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 2/14/, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

*S. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 02-261-SPH

Petitioner/Developer: JOHN

MATRA

Date of Hearing/Closing: 3/4/02

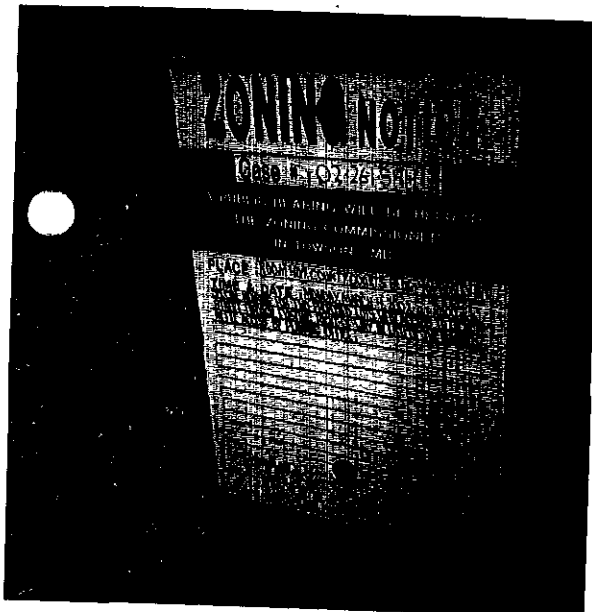
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 21024 YORK ROAD

The sign(s) were posted on 2/17/02  
(Month, Day, Year)



Sincerely,

[Signature] 2/17/02  
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, February 14, 2002 Issue – Jeffersonian

Please forward billing to:

J. Neil Lanzi  
409 Washington Avenue  
Suite 617  
Towson MD 21204

410 296-0686

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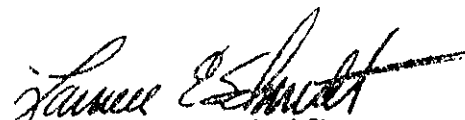
## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-261-SPH  
21024 York Road  
W/S York Road, 770' S centerline Old York Road  
7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: John Matra

Special Hearing for two proposed lots with access to local street through existing right-of-way in lieu of the required in fee access by Planning Office.

HEARING: Monday, March 4, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

January 29, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-261-SPH  
21024 York Road  
W/S York Road, 770' S centerline Old York Road  
7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: John Matra

Special Hearing for two proposed lots with access to local street through existing right-of-way in lieu of the required in fee access by Planning Office.

HEARING: Monday, March 4, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.  
Director

C: J. Neil Lanzi, 409 Washington Avenue, Towson 21204  
John Matra, 14010 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, FEBRUARY 17, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 02-261-SPH

Petitioner: John Manka

Address or Location: 21020, 21024 York Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: J NEIL LANZI

Address: 409 WASHINGTON AVENUE St 617  
TOWSON MD 21204

Telephone Number: 410 296 0686



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

March 1, 2002

John Matra  
14010 Jarrettsville Pike  
Phoenix MD 21131

Dear Mr. Matra:

RE: Case Number: 02-261-SPH, 21014 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards Jr.*

W. Carl Richards, Jr. G D Z  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: J. Neil Lanzi, 409 Washington Avenue, Suite 617, Towson 21204  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits & Development  
Management

**DATE:** February 21, 2002

**FROM:** Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
for January 22, 2002  
Item No. 261

The Bureau of Development Plans Review has reviewed the subject zoning item.

It appears that there is no existing right-of-way, however, if the request is granted, a 7.5-foot fee-simple access per lot shall be provided.

RWB:HJO:cab

cc: File

*ZAC-1-22-2002-ITEM NO 261-2212002.doc*





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

January 23, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: ~~Gwen Stephens~~ *D. Zahner*

RE: Property Owner: John Matra - 261

Location: DISTRIBUTION MEETING OF January 14 2002

Item No. 261

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The access through the existing right-of-way shall equal or exceed the standards required of a panhandle driveway.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

AKO  
3/4

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** January 24, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

JAN 24

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 02-261

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 1.18.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 261

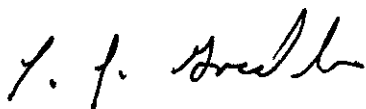
LTM

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 45, are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

  
1/ Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING  
21024 York Road, W/S York Rd,  
770' S of c/I Old York Rd  
7th Election District, 3rd Councilmanic

Legal Owner: John Matra  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-261-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



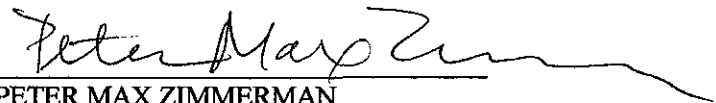
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esq., 409 Washington Avenue, Suite 617, Towson, MD 21204, attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN

Revised 4/17/00

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOHN P. MATRA JR

14010 JARRETSVILLE PIKE  
PHOENIX MD 21131

ALEXANDER P. RATYLA

7427 HARRISON RD, BIRMINGHAM 21234

MARY M MATRA

PHOENIX MD.  
14010 JARRETSVILLE PIKE 21131



(b) Signposts must be unobtrusive and the total number of signs minimized. In particular, informational signs must not be placed or be of such a number or design as to distract drivers' attention from traffic-control signs or devices.

(c) Benches or other outdoor furniture may be required to be grouped and be of "break-away" designs. Street lighting must be of types and sizes both adequate for safety and appropriate to the vicinity.

(d) Transit facilities such as bus turnouts may be required for sites to be served by public transit. (Code 1978, § 22-83)

**Cross references**—Advertising and signs, tit. 3; motor vehicles and traffic, tit. 21; stopping, standing and parking, § 21-101 et seq.

#### **Sec. 26-265. Pedestrian and bicycle paths.**

The manual adopted pursuant to section 26-283(b)(4) may provide for the design and location of pedestrian and bicycle paths. (Code 1978, § 22-84)

#### **Sec. 26-266. Panhandle driveways.**

Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas, and to provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not be detrimental to adjacent properties and would not conflict with efforts to provide for public safety and general welfare. Panhandle lots may be permitted in accordance with the following standards:

- (1) Each lot shall include an in-fee strip of land providing access to the local street, except as provided in subsection (2) of this section. Panhandle fee strips shall be a minimum of twenty (20) feet in width to serve one (1) lot, a minimum of twelve (12) feet in width per lot where two (2) lots are involved, and a minimum of ten (10) feet in width per lot where three (3) or more lots are involved. In developments within the metropolitan area where public water and sewer services are available,

planned, or considered, the minimum panhandle fee strip for two (2) or more lots is twelve (12) feet per lot.

- (2) The hearing officer may approve access to the local or collector street through an existing right-of-way instead of an in-fee strip, in cases where such a right-of-way has been established prior to the submittal of the development plan.
- (3) A single panhandle driveway may serve up to five (5) dwellings, three (3) of which may be on internal lots not adjacent to the local or collector street. Panhandle driveways serving lots greater than twenty thousand (20,000) square feet may serve five (5) internal lots plus two (2) dwellings on the front lots adjacent to the panhandle driveway and the local or collector street. In either case the front lots need not be part of the panhandle driveway development. Notwithstanding the provisions of section 26-172, none of the requirements in this subsection shall be waived.
- (4) In any DR zone, the panhandle length shall not exceed five hundred (500) feet. In any RC zone, the panhandle length shall not exceed one thousand (1,000) feet. The maximum permitted length of a panhandle is subject to variance under section 307 of the zoning regulations.
- (5) For panhandle driveways serving more than one (1) lot, covenants are to be noted on the record plat providing for common use and maintenance of the panhandle driveway and culvert if any.
- (6) The orientation of the dwelling shall be indicated on the plan. The dwelling shall be oriented to establish a desirable relationship between the proposed dwellings and existing adjacent homes and between the proposed dwellings themselves.
- (7) Provision must be made at the intersection of the panhandle driveway and the street for collection, mail delivery, and identification of each dwelling served by the panhandle as follows:
  - a. A paved trash collection area shall be located at the right-side intersec-

tion of the panhandle driveway and public road, as the driveway is exited. The trash collection area shall provide at least sixteen (16) square feet per dwelling unit served by the panhandle driveway.

- b. The mail delivery area shall be located at the left intersection of the panhandle driveway and public road, as the driveway is exited.
  - c. Each dwelling served by a panhandle driveway shall be numerically identified in accordance with section 7-8 of this Code.
- (8) The panhandle driveway shall be built in accordance with standards established by the director of public works. The panhandle shall be paved within one (1) year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. In DR zones, utilities shall be provided to all lots to be served by the panhandle prior to the paving of the panhandle driveway.
- (9) No parking shall be permitted along a panhandle driveway.
- (10) Notwithstanding any other provision of these regulations to the contrary, the director of planning may grant a final waiver from any part of this section or these regulations, except subsections (3) and (4) of this section, if the director finds (i) that the size, scope, and nature of the subdivision of land into three (3) or fewer lots for residential single-family dwellings does not justify strict compliance with this section, and (ii) that a waiver would be within the scope, purpose, and intent of this section, and (iii) all other county ordinances and regulations have been complied with.
- (Code 1978, § 22-85; Bill No. 172, 1989, § 2, Bill No. 106, 1990, § 1; Bill No. 61-95, § 1, 6-30-95; Bill No. 51-99, § 1, 8-26-99)

#### **Sec. 26-267. Water supply.**

For tracts to be served by public water-supply facilities, water volume and pressure must be adequate to extinguish fires in any building on the tract; and hydrants must be provided in sufficient numbers and at appropriate locations to serve firefighting needs.

(Code 1978, § 22-86)

**Cross references**—Fire protection, tit. 16; water and sewers, tit. 35

#### **Sec. 26-268. Sewerage.**

Proposed public or private sewerage facilities must be designed and located to function safely and without danger of contaminating groundwater, surface water, or public or private water supplies.

(Code 1978, § 22-87)

**Cross reference**—Water and sewers, tit. 35.

#### **Sec. 26-269. Drainage.**

Proposed drainage facilities must be adequate to accommodate the amount of runoff that would be generated by the proposed development and from the entire upstream area, if the area were fully developed in accordance with the zoning regulations in effect at the time of design or construction. Development shall not increase the extent of the floodplain on neighboring properties.

(Code 1978, § 22-88; Bill No. 173-93, § 3, 11-17-93)

#### **Sec. 26-270. Other utilities.**

Easements for cable TV and other municipal and public utilities may be required where necessary to ensure adequate service to the prospective occupants or users of the proposed development.

(Code 1978, § 22-89)

#### **Sec. 26-271. Open space.**

Common open space required under the zoning regulations shall be located and designed to be attractive and conveniently accessible to occupants or users of the proposed development.

(Code 1978, § 22-90)



This Deed, Made this 21<sup>st</sup> day of August,

in the year one thousand nine hundred and seventy-three, by and between

THOMAS L. HENNESSEY and LOUELLEN M. HENNESSEY, his wife, and HUGH E. GELSTON and SUE F. GELSTON, his wife

of Baltimore County in the State of Maryland, of the first part, and

JOHN P. MATRA, JR.

of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged

the said THOMAS L. HENNESSEY and LOUELLEN M. HENNESSEY, his wife, and HUGH E. GELSTON and SUE F. GELSTON, his wife,

do grant and convey unto the said JOHN P. MATRA, JR., his

heirs and assigns, in fee simple, all that of the ground, situate, lying and being in Seventh Election District of Baltimore, aforesaid, and described as follows, that is to say:-- County, State of Maryland,

Beginning for the same and being known and designated as Lot No. 8 of the Subdivision entitled County North as shown on the plat of County North which plat is recorded among the Land Records of Baltimore County in Liber O.T.G. No. 35, folio 17, containing 12.85 acres more or less.

BEING one of the lots of ground which by deed dated October 8, 1971 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5266 folio 554, was granted and conveyed by The Laurie Corporation unto Thomas L. Hennessey and Louellen M. Hennessey, his wife, as to a one-half interest, and to Hugh E. Gelston and Sue F. Gelston, his wife, as to the remaining one-half interest, the within Grantors.

*Pat No 1*

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said JOHN P. MATRA, JR., his

SUBJECT to a sewer agreement recorded in Liber O.T.G. No. 5219 folio 284.  
SUBJECT to Declaration recorded in Liber O.T.G. No. 5267, folio 327.  
SUBJECT to setbacks and easements and widening strips all as shown on the Plat of County North.  
SUBJECT to amended Declaration recorded in Liber E.H.K.Jr., No. 5325, folio 541.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seal of said grantors.

TEST:

THOMAS L. HENNESSEY (SEAL)

LOUELLEN M. HENNESSEY, his wife (SEAL)

HUGH E. GELSTON (SEAL)

SUE F. GELSTON, his wife (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY

, to wit:

I HEREBY CERTIFY, That on this

day of

in the year one thousand nine hundred and seventy-three

, before me, the subscriber,

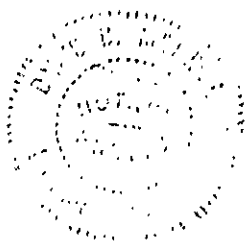
a Notary Public of the State of Maryland, in and for Baltimore County

aforesaid,

personally appeared Thomas L. Hennessey and Louellen M. Hennessey, his wife, and Hugh E. Gelston and Sue F. Gelston, his wife

the above named grantors, and they acknowledged the foregoing Deed to be their act and deed.

As Witness my hand and Notarial Seal.



Notary Public.

THIS DECLARATION, Made this 1st day of May, 1972 by  
THOMAS L. HENNESSEY, LOUELLEN M. HENNESSEY, HUGH E. GELSTON and  
SUE F. GELSTON of the State of Maryland, Declarants.

WHEREAS, the Declarants are the owners of Lots No. 1, 2, 3, 4, 5, 6, 7 and 8 as shown on the Plat of County North, which plat is recorded among the Land Records of Baltimore County in Liber O.T.G. No. 35, Folio 17; and

WHEREAS, the Declarants desire to subject all the lots on said plat to the uniform Covenants, Restrictions, Conditions and Reservations as hereinafter set forth.

NOW, THEREFORE, THIS DECLARATION WITNESSETH, That the said Declarants, their heirs, personal representatives and assigns, hereby declare that all of the aforesaid lots shown on the plat entitled County North recorded as aforesaid shall be subject to the following Covenants, Restrictions, Conditions and Reservations:

1. The lots shown on the plat entitled "County North" and any houses, buildings or structures now or hereafter erected thereon shall be occupied and used for residential and/or agricultural purposes only, but no retail sales of agricultural products shall be permitted or conducted thereon. Livestock with the exception of pigs, may be kept on any lot provided that they are housed in a suitable stable or barn and attached paddock.

2. No building or other structure shall be commenced, erected or maintained thereon, nor shall any addition to or change or alteration thereof be made until the plans and specifications showing the nature, kind, shape, height, materials, location (including setback) of such structure shall have been submitted to and approved in writing by the Declarants herein, their heirs, personal representatives or assigns and a copy thereof, as finally approved, lodged permanently with the Declarants herein, their heirs, personal representatives or assigns. The Declarants herein, their heirs, personal representatives or assigns, shall have the right to refuse to approve any such plans or specifications, which are not suitable or desirable, in its or their opinion, for aesthetic or other reasons; and in so passing upon such plans and/or specifications, it or they shall have the right to take into consideration the suitability of the proposed building or other structure, and of the materials of which it is to be built, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure as planned on the outlook from the adjacent or neighboring properties.

3. No structure of a temporary character, such as (but not limited to) a trailer, tent, shack, garage, barn or other

*John Noz*

building, shall be placed or used thereon as a residence, or for storage or as an auxiliary building, either temporarily or permanently, except that a temporary structure or structures such as a trailer or shack may be placed and maintained thereon, provided such temporary structure or structures are used and operated solely in connection with and for the purpose of construction of permanent improvements on said land, which such temporary structure or structures shall be removed from the land within thirty (30) days after completion of the construction of such permanent improvements.

4. Lots 1, 2, 3 and 4 shall not be subdivided. Lots 5, 6, 7 and 8 may be subdivided into two lots each, provided that any lot so created shall contain at least three acres. Before any lot shall be subdivided, the owner or owners shall obtain the necessary approval for said subdivision from the appropriate authorities of Baltimore County and/or the State of Maryland.

5. No noxious or offensive activity shall be permitted or maintained thereon nor shall anything be done or placed thereon which may be or become a nuisance or annoyance to any owner or owners of said land.

6. The provisions herein contained shall run with and bind the land and shall inure to the benefit of and be enforceable by the Declarants herein or the owner of any part of said land included in said tract, their respective legal representatives, heirs, personal representatives and assigns, and failure by the Declarants herein or any such owner or owners to enforce any restriction, condition, covenant or agreement herein contained shall in no event be deemed a waiver of the right to do so thereafter as to the same breach or as to one occurring prior or subsequently thereto.

7. All the restrictions, conditions, covenants, charges and agreements herein contained shall be in perpetuity, provided however, that at any time after fifteen (15) years from the date of the recording hereof, the restrictions, conditions, covenants and agreements herein set forth may be cancelled, annulled or abrogated in whole or in part, by the recording in the Land Records of Baltimore County an appropriate instrument or instruments in writing executed by the then owners (not including Mortgagees) of the majority of the lots included on said plat which instrument or instruments shall specifically set forth the provisions that are thereby cancelled, annulled or abrogated. The Restrictions contained in Paragraph 4 hereof shall not be cancelled, annulled or abrogated without the written consent of all of the owners of the lots on said plat.

8. Invalidity of any of these covenants, agreements, restrictions or conditions by judgment of Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect.

9. The restrictions, conditions, covenants and agreements, etc., hereinabove set forth, shall apply only to and bind the tract of land included on the plat entitled "County North" and notwithstanding anything to the contrary herein contained, shall

not apply to nor bind, nor be construed nor implied to apply to or bind any remaining land of the Declarants herein.

10. The owner or owners of lots as shown on said plat shall assume the responsibility for and shall bear the costs of extending underground electric service to their lots from York Road.

11. The Declarants reserve the right to relocate lot lines on lots on said plat then owned by the Declarants provided that the new lots shall not contain less than 3 1/2 acres per lot.

12. The owners of Lots 4, 5 and 6 shall have the right to the use in common of a thirty-(30) foot-wide right-of-way extending from the York Road into Lots 4, 5 and 6 as shown on the plat of County North as recorded, as set out prior hereto. The said right-of-way being thirty (30) feet wide at its beginning at York Road, which place of beginning is located at the northernmost point of Lot 3 as shown on said plat at the intersection of the S 65° 06' 30" W 233.42 ft. line and the York Road and extends Northerly 30 feet to the lands of Calvin N. Damron, Jr. et ux as recorded in the Land Records of Baltimore County, Liber O.T.G. 5174, folio 819 and extends Westerly to the end of said right-of-way 30 feet wide terminating in Lots 5 and 6 as shown on said plat of County North. Cost of maintenance of the right-of-way, including the cost of mowing of the grass shoulders and snow removal, shall be borne as follows: Thirty (30%) percent by the owner of Lot 4; thirty-five (35%) percent by the owner of Lot 5; thirty-five (35%) percent by the owner of Lot 6. In the event that the owners of said lots desire to improve said right-of-way, then the type and nature of improvements shall be by a majority vote of the owners of said lots.

13. The owners of Lots 7 and 8 shall have the right of the use in common of a thirty-(30) foot-wide right-of-way extending westerly from York Road. The center line of said right-of-way beginning at a point in York Road where same is intersected by the division line between Lots 7 and 8 and located 15' Northerly from the Northernmost line of Lot 2 its N 65° 37' 26" E 400.62 line and extending to the end of said right-of-way as shown on the plat of County North. Cost of maintenance of the right-of-way including the cost of mowing the grass shoulders and snow removal shall be borne fifty (50%) percent by the owner of Lot 7 and fifty (50%) percent by the owner of Lot 8. In the event the owners of said lots desire to improve the said right-of-way, then the nature of the improvement shall be by the owners of the Lots 7 and 8.

14. The Declarants reserve unto themselves, their heirs, personal representatives and assigns the right to grant waivers, amend or modify each and every condition or restriction contained herein upon application or request for the period of three (3) years from the date hereof and thereafter any waiver, amendment or modification of this Declaration shall require the majority vote of the then owner or owners of the lots on said plat, but the restriction in Paragraph 4 shall not be waived, modified or amended without the written consent of all the owners of said lots on said plat.

AS WITNESS the hands and seals of the Declarants.

WITNESS:

Betty B. Conrad

Thomas L. Hennessey (SEAL)  
THOMAS L. HENNESSEY

WITNESS:

Betty B. ConradLouellen M. Hennessey (SEAL)  
LOUELLEN M. HENNESSEYBetty B. ConradHugh E. Gelston (SEAL)  
HUGH E. GELSTONBetty B. ConradSue F. Gelston (SEAL)  
SUE F. GELSTON

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 1st day May, 1972, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared THOMAS L. HENNESSEY, LOUELLEN M. HENNESSEY, HUGH E. GELSTON and SUE F. GELSTON, known to me to be the persons whose names are subscribed to the within instrument and who acknowledged that they executed the same as their act for the purposes therein contained.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my Notarial Seal.

Betty B. Conrad  
Notary Public

My Commission Expires:

7-1-74

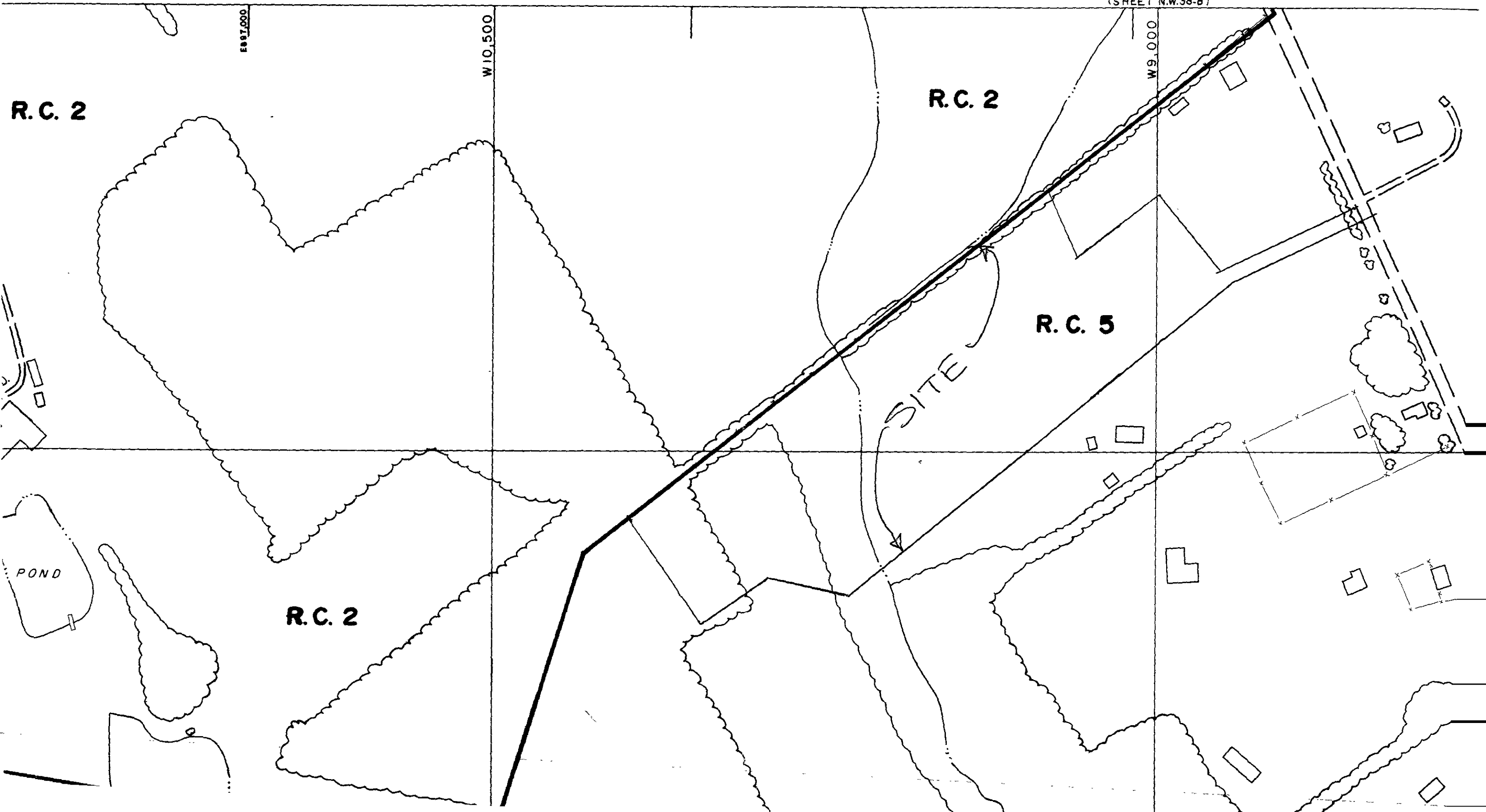
Rec'd for record MAY 12 1972 at 12<sup>37</sup> PM  
Per Orville T. Cunnell, Clerk  
Mail to Hennessey Fleury et al  
Receipt No. 3 14.00

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260777 260777 260777 260777 260777

NW  
37B 1"=200'

#261

(SHEET N.W.38-B)



photographs

#02-261-SPH

Pls. Ex. 5A-5L











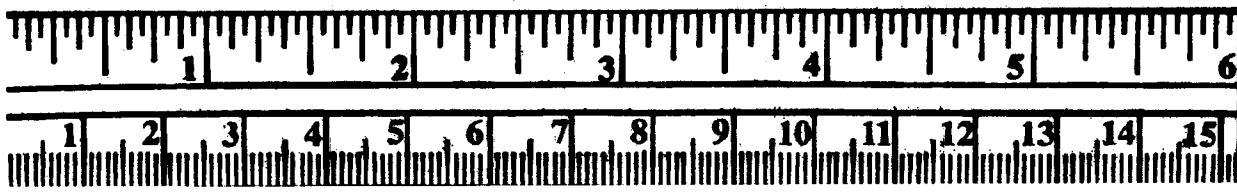












PLAT OF  
COUNTY NORTH  
LOCATED AT  
MARYLAND LINE  
7<sup>TH</sup> DISTRICT BALTIMORE CAMD.

NOTE: REFUSE COLLECTION, SNOW REMOVAL  
AND ROAD MAINTENANCE FOR PANHANDLE  
LOTS ARE PROVIDED TO THE JUNCTION  
OF THE PANHANDLE AND THE RIGHT-OF-WAY  
LINE OF YORK ROAD ONLY AND NOT ON THE  
PANHANDLE DRIVEWAY

THE COORDINATES SHOWN HEREON ARE  
BASED ON AN ASSUMED SYSTEM

THE STREETS AND/OR ROADS AS SHOWN HEREON AND  
THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE  
OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO  
BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE  
THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF  
THE DEED TO WHICH THIS PLAT IS ATTACHED, THEREAFTER AND  
ASSIGNS.

I CERTIFY THAT THE REQUIREMENTS OF SECTIONS 12A, 12B  
AND 12C OF ARTICLE 17 OF THE ANNOTATED CODE OF  
MARYLAND, 1951 EDITION (TITLE CLERKS OF COURT SUBTITLE  
CLERKS OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO  
THE MAKING OF THIS PLAT HAVE BEEN COMPLIED WITH  
BY THE AUCIE CORPORATION  
408 BOULEVARD  
BALTIMORE, MARYLAND

SIGNED *James J. Dunaway* DATE *August 19, 1971*

APPROVED  
BALTIMORE COUNTY HEALTH DEPT.

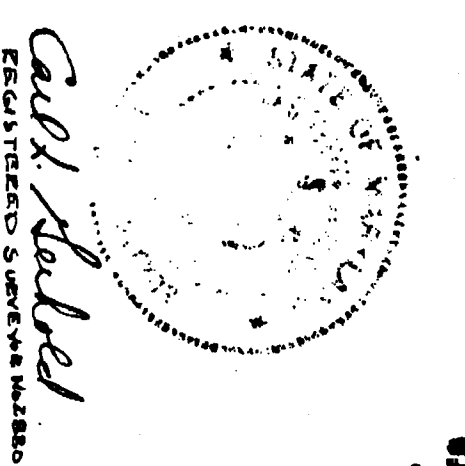
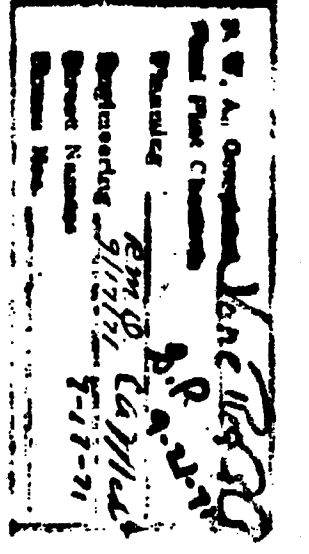
APPROVED  
BALTIMORE COUNTY PLANNING BOARD

DATE *9/20/71*

APPROVED  
BALTIMORE COUNTY HIGHWAYS DEPT.

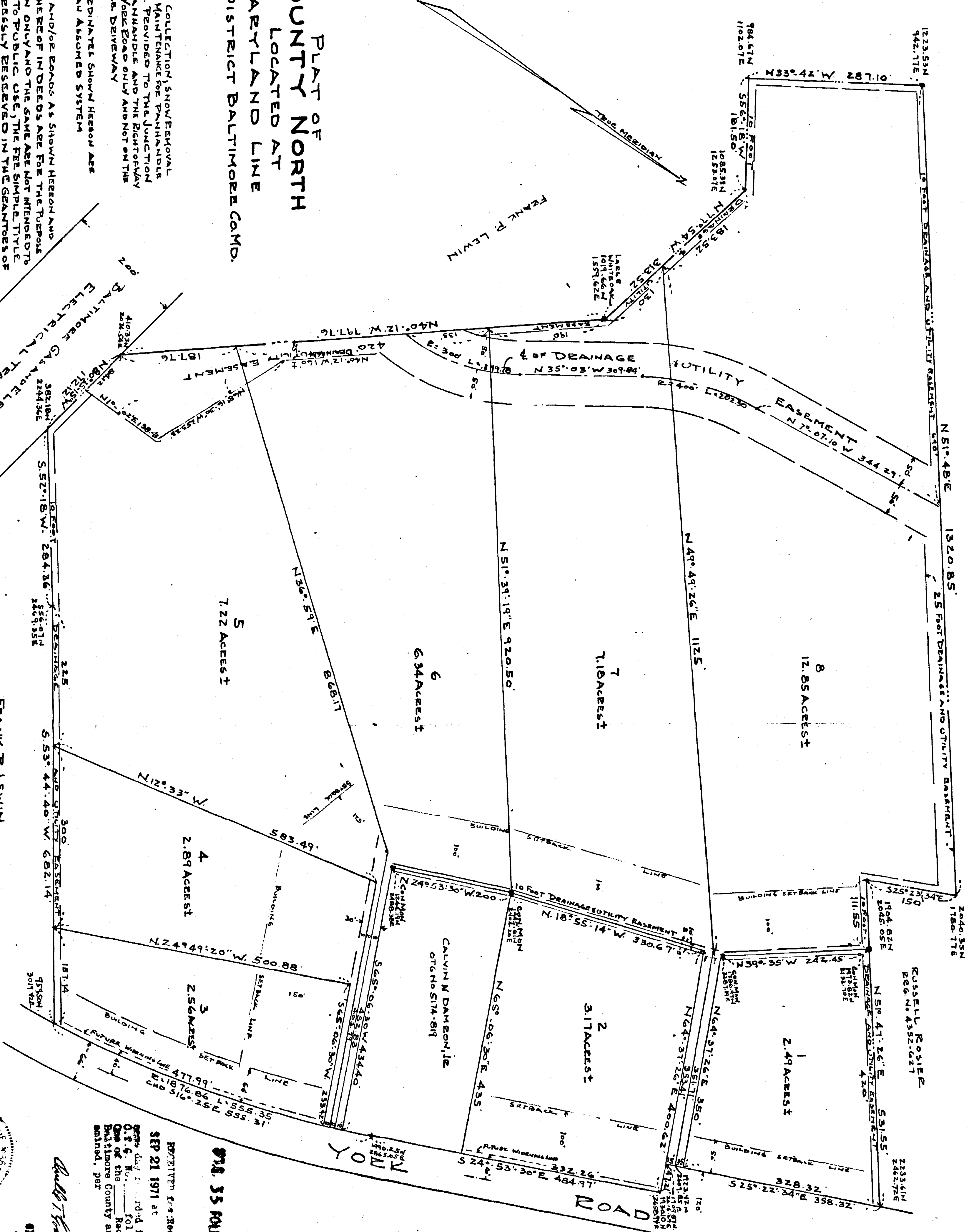
DATE

SCALE: 1"=100' AUGUST 17, 1971.  
DOLLENSBERG BETHLEMS  
SURVEYORS & CIVIL ENGINEERS  
709 WASHINGTON AVENUE  
TOWSON, MARYLAND  
MSA 55W 123C 9021



RECEIVED 7/4 Record  
SEP 21 1971 at 11 AM  
One of the Folios  
of the County and ex-  
cuted, per

718 35 ROAD 17



WILLIAM A. BULL  
1274.275

RUSSELL ROSIE  
REG. NO. 4352-627